

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE POLICY</b>	
	<b>Chapter 13: Background Checks</b>	<b>Effective Date:</b> June 1, 2021
	<b>Section 12: Evaluating Background Checks for Emergency Unlicensed Placements</b>	<b>Version:</b> 1

**STATEMENTS OF PURPOSE** - *This policy applies to [Emergency Unlicensed Placements](#). For [Nonemergency Unlicensed Placements](#), see policy 13.06 Evaluating Background Checks for Nonemergency Unlicensed Placements. For Out-of-State Placements see [chapter 9 Interstate Compact ICPC](#) policies.*

The Indiana Department of Child Services (DCS) will evaluate the results of all required background checks, for the purpose of an [emergency unlicensed placement](#):

1. The Interstate Identification Index (Triple I Check), National Sex Offender Registry Check, and an Indiana Child Protective Services (CPS) History Check will be evaluated prior to an [emergency unlicensed placement](#);
2. The out-of-state CPS History Check, if applicable, and Local Criminal Court Records Check will be evaluated within 72 hours of an [emergency unlicensed placement](#) or upon receipt of the background check results; and
3. The Fingerprint-Based National Criminal History Check (Fingerprint-Based Check) will be evaluated upon receipt of the Fingerprint-Based Check Status Letter.

DCS may recommend a home for [emergency unlicensed placement](#) if a subject's<sup>1</sup> criminal and/or CPS background check reveals disqualified history only if it is:

1. Eligible to be waived; and
2. A waiver will be supported and pursued by DCS.

**Note:** If a child has been placed and the waiver for disqualified criminal history or substantiated CPS history is not granted by DCS the child must be immediately removed.

DCS will immediately remove a child who has been placed in a home through an [emergency unlicensed placement](#) or a court order to request a change of placement if the background check or waiver process (criminal or CPS) for a subject in the home reveals:

1. Disqualified criminal history that is not eligible to be waived;
2. Disqualified criminal history or substantiated CPS history for which a waiver is not granted by DCS; or
3. Disqualified criminal history or substantiated CPS history in which a complete and valid waiver packet is not submitted to the DCS Central Office Background Check Unit (COBCU) within 10 business days from the date of the Fingerprint-Based Check Status Letter showing "Disqualified" or the date of CPS substantiation history discovery. See policy 13.16 Waivers for additional information.

<sup>1</sup> For the purpose of this policy, the subject of a background check is defined as an individual who would stay, work, or volunteer in an emergency unlicensed placement.

**Note:** If the household member with disqualified history no longer stays <sup>2</sup>in the home permanently and all other household members have passed all required background checks, the child may remain in the home. If known, document the individual's new address.

### **Triple I Check**

The results of the Triple I Check will be evaluated and DCS will ensure Fingerprint-Based Checks are completed within five (5) business days to verify identity and results. Using the Triple I Check for other reasons violates the law and DCS policy. This check retrieves information maintained by the Federal Bureau of Investigation (FBI). See policy 13.15 Fingerprint-Based Checks for further guidance.

**Note:** If the subject of the Triple I Check refuses to complete a Fingerprint-Based Check within five (5) days and the child was placed in the home, the child must be removed from the home and a [Triple I Follow Up Action \(SF 53424\)](#) must be completed.

### **National Sex Offender Registry Check**

DCS will evaluate the National Sex Offender Registry Check to determine if there are any matches. If there is a match and a child is already placed in the home, DCS will immediately remove the child and notify the COBCU. If there is a match but there has not yet been a placement, the subject of the check is not eligible to be considered as a placement resource and the COBCU will be immediately notified of the match at [COBCUinquiry@dcs.in.gov](mailto:COBCUinquiry@dcs.in.gov). The COBCU will re-evaluate the Fingerprint-Based Check Report and reissue an amended Fingerprint-Based Check Status Letter, if applicable.

### **Child Protective Services (CPS) History Checks**

DCS will review the completed CPS History Check results from Indiana and from all other states of residency within the past five (5) years (if applicable) to determine if there are reports of any substantiation of Child Abuse and/or Neglect (CA/N) for the subject of the check. The existence of substantiated CPS history in Indiana or the equivalent in another state means that unless a waiver is being actively pursued and/or granted (see policy 13.16 Waivers), the subject of the check is ineligible to be a(n):

1. [Emergency unlicensed placement](#) caregiver;
2. Household member of a current or prospective [emergency unlicensed placement](#) (this excludes the child's biological parent who has been approved by the court to stay in the same out-of-home placement in which the child is placed); or
3. An employee or volunteer working or volunteering inside the home of the [emergency unlicensed placement](#).

**[NEW] Note:** The results of the Out-of-State CPS History Check may be received after the initial placement of a child, but the check should be initiated within 72 hours of the [emergency unlicensed placement](#). If results are not received within 10 business days after initiation of the check, a follow-up is required.

### **Local Criminal Court Records Check**

DCS will evaluate the results of the Local Criminal Court Records Check. If the Local Criminal

<sup>2</sup> To be in the home for 21 days or more, within a 12 month period. The days do not have to be consecutive.

Court Records Check returns convictions of a felony, total of four (4) or more misdemeanors, or a misdemeanor that may be related to the health and safety of a child, the DCS local office shall contact COBCU for additional guidance if the Fingerprint-Based Status Letter was qualified. See policy 13.15 Fingerprint-Based Checks for additional information.

**[NEW] Note:** The results of the Local Criminal Court Records Check may be received after the initial placement of a child, but the check should be initiated within 72 hours of the [emergency unlicensed placement](#).

#### Code References

1. [IC 31-34-20-1.5: Placement in household with certain individuals prohibited](#)
2. [IC 31-34-4-2: Placement of child with relative caretaker; criminal history check required; exceptions](#)
3. [IC 31-34-21-5.5: Reasonable efforts to preserve and reunify families](#)
4. [IC 31-9-2-84.8: Nonwaivable offense](#)

#### PROCEDURE

The Family Case Manager (FCM) will:

1. Evaluate the following background checks **prior to** an [emergency unlicensed placement](#), and document all results in the case management system within 72 hours of receipt:
  - a. The Triple I Check;

**Note:** Ensure the follow-up Fingerprint-Based Check has been completed within five (5) business days if [emergency unlicensed placement](#) occurs, or ensure the [Triple I Follow-Up Action Form \(SF 53424\)](#) is completed if placement does not occur. Contact COBCU for further guidance regarding refusal to print. See policy 13.11 Conducting Background Checks for Emergency Unlicensed Placements for additional information.

- b. The National Sex Offender Registry Check; and

**Note:** If there is a match for the subject of the check, a child cannot be placed in the home and any child already placed must be removed immediately.

- c. The Indiana CPS History Check:
    - i. Provide the subject of the check a copy of the completed [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#) showing substantiated history if substantiated CPS history is discovered in Indiana. See policy [2.06 Sharing Confidential Information](#),
    - ii. Submit a complete waiver packet within 10 business days of substantiated CPS History findings. See policy 13.16 Waivers for additional information.
2. Evaluate and document the results of the following background checks in the case management system within 72 hours of an [emergency unlicensed placement](#) or upon receipt of the results:
  - a. A CPS History search for each state, outside of Indiana, in which the individual has resided during the past five (5) years, if applicable, and

**Note:** If results are not received within 10 business days after initiation of the check, the FCM should follow-up with the contact listed on the [Out-of-State CPS Contact List](#). If additional assistance is needed in obtaining CPS History Check results, the FCM should contact COBCU at [COBCUinquiry@dcs.in.gov](mailto:COBCUinquiry@dcs.in.gov). See policy 13.11 Conducting Background Checks for Emergency Unlicensed Placements for further action.

- b. The Local Criminal Court Records Checks. For further information see [Local Criminal Court Records Check Instructions](#).

**Note:** Contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter within five (5) days if the Fingerprint-Based Status Letter was qualified and the Local Criminal Court Records Check returns conviction of:

- a. A felony,
- b. Four (4) or more misdemeanors, or
- c. A misdemeanor related to the health and safety of a child.

In addition, if at any time the FCM believes the Local Criminal Court Records Check report may alter the status of the Fingerprint-Based Check, the FCM will contact the COBCU Consultant listed on the Fingerprint-Based Check Status Letter for further action.

3. Evaluate the results of the Fingerprint-Based Check Status Letter received from COBCU for each Fingerprint-Based Check. See policy 13.15 Fingerprint-Based Checks for additional information;
4. Submit criminal history or CPS waiver decision to the court, if applicable; and

**Note:** A criminal history or CPS waiver granted for the purpose of an [emergency unlicensed placement](#) may not be used for foster family home licensure, adoption, employment, or any other purpose. A new waiver request must be submitted to and granted by the COBCU for each additional purpose.

5. Notify the family of the decision, and:
  - a. Develop a plan to prepare the child for placement if the decision is to approve the placement and the child is not currently placed. See policy [8.8 Preparing Child for Placement](#) for further guidance; or
  - b. Develop an alternate placement plan for the child if the decision is to deny the placement. See policy [8.01 Selecting a Placement Option](#) for further guidance.

The FCM Supervisor will:

1. Staff with the FCM and provide any needed guidance and assistance;
2. Ensure safety concerns are addressed;
3. Ensure completion of the [Triple I Follow Up Action \(SF53424\)](#) and e-mailing or faxing the completed form to [TripleIFollowUp@dcs.in.gov](mailto:TripleIFollowUp@dcs.in.gov) or 317-232-1567, respectively;
4. Ensure the FCM has completed all tasks and documented the information gathered regarding the evaluation of background checks into the case management system.

**[NEW]** The DCS COBCU will complete requirements as outlined in policies 13.15 Fingerprint-Based Checks and 13.16 Waivers.

## PRACTICE GUIDANCE

### **Disclosing Fingerprint-Based Check Information**

**[REVISED]** A copy of the official FBI and the Indiana State Police (ISP) transcript will not be provided to the DCS local office nor the subject of the check. DCS may verbally disclose the specific crimes to the subject of the check. If any of the checks conducted by DCS reveal an inaccurate record, the subject of the check may formally challenge the record. A Review Challenge of inaccurate information in Indiana is made to ISP. A criminal history records Review Challenge outside of Indiana must be made to the Law Enforcement Agency (LEA) that posted the record. The subject of the check must be fingerprinted for the Review Challenge, at the subject's expense.

## FORMS AND TOOLS

1. [Application for Criminal History Background Check \(SF 53259\)](#)
2. [Indiana Request for a Child Protection Services \(CPS\) History Check \(SF 52802\)](#)
3. [Triple I Follow-Up Action Form \(SF 53424\)](#)
4. [Background Check Matrix for Unlicensed Placements and Foster Care Desk Guide](#)
5. [Local Criminal Court Records Check Instructions](#)

## RELATED INFORMATION

### **[REVISED] Emergency Unlicensed Placement**

Emergency unlicensed placement is defined as placement in a kinship or relative home (not a biological or adoptive parent's home) when a child must be placed in out-of-home care, but due to the urgent nature of the need for this placement, there is not enough time to wait for those in the home to be fingerprinted and those fingerprint results to be returned.

### **[NEW] Nonemergency Unlicensed Placement**

Nonemergency unlicensed placement is defined as placement in a kinship or relative home (not a biological or adoptive parent's home) when a child will be placed in out-of-home care, but the nature of the situation allows the child to remain in the current placement for a period of time. The child is able to remain in the current placement until all background checks are completed and cleared. This includes the necessary fingerprints, with results returning and all necessary criminal and/or CPS waivers being granted prior to the change of placement.